



# విజయనగరం జిల్లా రాజపత్రము

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అధికారమువలన ప్రచురించబడినది.

నెం. 3	విజయనగరం, 2010వ సంవత్సరము, మే నెల, 3వ తేది, సోమవారము
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కలెక్టరువారి ప్రకటనలు	7 - 18

కలెక్టరువారి ప్రకటనలు

Copy of :-

## PROCEEDINGS

PRESENT : SRI G. RAMANARAYANA REDDY, IAS.,  
COLLECTOR AND DISTRICT MAGISTRATE, VIZIANAGARAM.

- Sub : Caste Verification - Vizianagaram District - Kurupam :Mandal Verification of caste verification of Sri Vyricherla Kishore Chandra Suryanarayana Deo - Orders - Issued.
- Read : 1 Representation of A. P.S T.W elfare Abhudaya Sangam, Patapatnam , dated 9-3-2004.  
2 This Office (M) Rc. 453/2004 C5, dated 14-4-2004 addressed to the Sub - Collector, Parvathipuram.  
3 Representation dated 1-12-2005 of R. Maheswara Rao, Salur .  
4 Govt. Memo No. 10531/CV 2/2001/5-1 Social W elfare Department, Hyderabad.  
5 Ir. Rc. 1743/2005 L, dated 22-4-2006 of Revenue Divisional Officer, Parvathipuram.  
6 Ir. Rc. 97/2006A dated 9-8-2006 of M. R. O. Kurupam.  
7 Rc. 1743/2005 L dated 21-5-2005 of R. D. O., Parvathipuram.  
8 W .P. 27205/2005 filed by R. Maheswara Rao, Salur .

- 9 This Of fice (M) Rc. 799/2008/C5, dated 24-1-2009
10. Orders of High Court in W .P. 27205/08, dated 28-1-2009.
11. Rc. 207/2009, dated 31-12-2009 of D. D. Tribal W elfare, Parvathipuram.
12. Recommendations of Chairman, DLSC and Joint Collector ,V izianagaram, dated 17-2-2010 and other members.
13. This Of fice Rc. 799/2008 C5, dated 10-3-2010.
14. Reply of Sri Vyricherla Kishore Chandra Suryanarayana Deo.

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ORDER :

This is an issue pertaining to the social status of Sri Vyricherla Kishore Chandra Suryanarayana Deo of Kurupam Mandal of Vizianagaram District.

The A.P.S T.W elfare Abhyudaya Sangam, Parvathipuram and Sri R. Maheswara Rao, Legal Advisor of S. T. Employees of Salur have filed complaints against Sri Vyricherla Kishore Chandra Suryanarayana Deo on his social status and that he originally belongs to Kshatriya community and that in the registered documents it is mentioned that they belong to Kshatriya and the elementary school certificates also reveals he belongs to Kshatriya caste but not Tribe and that in the case of Satnucharla Vijayaramaraju obtained false caste certificate and that the High Court in E. P 13 of 1999 decided he was not a S. T. and the Supreme Court in C. A. 1102/04 decided he was not Scheduled Tirbe and as per Art 342(2) of Constitution if for any reason for including or exclude any caste and judicial courts have absolutely no jurisdiction to entertain such a claim and that Sri Vyricherla Kishore Chandra Suryanarayana Deo obtained a false caste certificate has not only cheated Government but also played fraud and requested to enquire into the social status (he enclosed the citations and copy of judgement 5 in CA 1102/2004).

The Government of Andhra Pradesh in S. W .C V. 2 Department vide G. M. 10531, dated 14-2-2006 referred for enquiry as per rules. The matter has been referred by the District Collector, Vizianagaram to the Revenue Divisional Of ficer, Parvathipuram and the Mandal Revenue Of ficer, Kurupam for enquiry and report. The Mandal Revenue Of ficer, Kurupam has sent a detailed report which was endorsed by the Revenue Divisional Of ficer, The report is as follows :

According to the Manual of District of Vizianagaram, page 331 Andhra family and estate comes under Kasipura estate and the founder of Garaya Dora of the Konda dora caste was appointed to the charge of Andhra taluk and that Kondaraju tribe of the same branch as Kurupam and Andhra Zamindari Urya is their vernacular, but do not learn to read and write and telugu language is used and these details show that Andhra and Kurupam Zamindaris were handed over the Garaya Dora Sanyasidora respectively and they belong to Konda dora tribe. The undisputed genealogy is established, recognized accepted that the present incumbent is the descendent of Vyricherla Sanyasi Dora. As per the District Gazetteer of 1904 (W. Francis) the Kurupam estate was originally given on the usual feudal tenure by Raja Visanbara Dev of Jeypore to an Urya named Sanyasi Dora with the title Vyricherla (a spear against the enemy) which it still borne by its owners. In 1775 when the lesser Zamindars rose in revolt against Sitaramaraju and Diwan of Raja of Vizianagaram the head of Kurupam family Sivaramaraju attacked the rear guard of Captain Mathew's and Stream's force as it was marching to reduce Jeypore and cut off its supplies. According Francis Gazetteer 1904 a festival is held in honour of Pydamaramma, the guardian goddess of Kurupam estate in Visakha month each and the chief rites in which are taking the procession of nine pots etc. The title Vyricherla establishes beyond doubt and it conclusive proof of the fact that the owner of this title are the descendants of Vyricherla Sanyasidora, the founder of Kurupam estate and furnished the geneological tree.

It is also mentioned the traditional customs of the Vyricherla Kishore Chandra Suryanarayana Deo and his family about worship of pair of swords, performance of Shakti puja and anointing of blood of goat and catfish are offered to the deity on ceremonial days, liquor made out of Madhuva offered to the deity, and Navarathiri puja is performed on Vijayadasami, Palanquin of ista devi is traditionally carried only by the people belonging to Gadaba tribes till today and Zamindars of Kurupam and their families eat meat including pork and consumes alcohol is not prohibited. He mentioned that as per authorized text of Castes and tribes of Southern Indian by Edgar Thurston mentions that in Vizianagaram District Rajus are recognized into two classes called Konda Rajus and Bhui Raju (plains) and Kondarajus are divided into Konda, Kolu, Gaita, Muka and Yenati and Kondarajus are believed to be hill chiefs who have comparatively adopted the title of raju. Basing on the above mentioned facts determining the zamindars of Kurupam and their descendants belong to Konda Dora tribe and that raju was a title given to Chiefs from among konda doras. The Revenue Divisional Officer, Parvathipuram in his letter dated 21-5-2005 has reported that the zamindars of Kurupam and their descendants belong to konda dora Tribe and raju was adopted as title and enclosed the record of enquiry.

As the matter stood thus Sri Regu Maheswara Rao, Advocate, Salur has filed PIL W in Petition in the Hon'ble High Court of A.P. vide reference 8th read above and the Hon'ble High Court of A. P. in orders in W P No. 27205/08, dated 28-1-2009 directed the Collector & District Magistrate, Vizianagaram to take appropriate action for ascertaining whether the caste certificates were correctly given to Sri Vyricherla Kishore Chandra Suryanarayana Deo and his daughter Snuti Devi and to take final decision in the matter on or before 15-5-2009.

The matter on the "Konda Dora" ST status of Sri Vyricherla Kishore Chandra Suryanarayana Deo was entrusted to the District Level Scrutiny Committee for enquiry on 21-2-2009 copy marking to the complainant, i.e., Regu Maheswara Rao.

Si Vyricherla Kishore Chandra Suryanarayana Deo attended the District Level Scrutiny Committee on 22-5-2009 and the complainant Sri Regu Maheswara Rao also attended the District Level Scrutiny Committee.

Si Vyricherla Kishore Chandra Suryanarayana Deo has submitted documentary evidence in support of his claim as Konda Dora along with copies of Gazettes, caste certificate, reports of the Revenue Division Officer, Parvathipuram and Mandal Revenue Officer, Kurupam etc.

Sri Regu Maheswararao also has submitted documents like registration documents, copies of school certificates orders of the Hon'ble High Court of A.P. and Supreme Court etc.

The copies of documents submitted by both are exchanged to each other.

Si Vyricherla Kishore Chandra Suryanarayana Deo has given Proforma information and also given statement before the District Level Scrutiny Committee that he is the descendant of Sri Sanyasi Dora who established, Kurupam chiefdom with the title of "Vyricherla" which is still born by its owners.

During District Level Scrutiny Committee enquiry Sri Vyricherla Kishore Chandra Suryanarayana Deo stated that he has submitted the details of his family, clan and genealogical tree with detailed written submissions and supporting documents and further stated that their's is patriarchal Society and it is the patriarchal lineage which determines one's community and the documents presented before the committee dates back to the year 1869 and was compiled at a period when the concept of reservations enshrined in the constitution of India never existed.

Sri Vyricherla Kishore Chandra Suryanarayana Deo further stated that in EP. No. 13/99 Sri Satrudarla Vijaya Rama Raju' s claim could not be maintained basically for two reasons i.e., while filing his nominations, he had not obtained the community certificate in accordance with the provision of Act 16/93 and also he failed to provide genealogical tree to establish that he is a descendent of the original founder of the Chinamerangi Zamindari. He also further stated that they have no relations with Satrudarla family. The petitioner heavily relied on the school records and Registration documents which can at best be cited as circumstantial evidence only in the absence of clinching documentary evidence.

Sri Regu Maheswara Rao along with documentary evidence has given statement before the District Level Scrutiny Committee stating that there is not a single documentary evidence to prove that the founder of the Zamindari Sri Vyricherla Sanyasi Dora belongs to Konda Dora.

He further stated that "Vyricherla" was a title given by the Rajah of Jeypore which was mentioned in Vizagapatnam District Gazette which need not be taken into consideration.

Sri Regu Maheswararao stated that there is no proof that the founder of Kurupam Zamindari, i.e. Sanyasi Dora belongs to Konda Dora community.

The complainant stated that the registered documents and the school certificates clearly shows that Sri Vyricherla Kishore Chandra Suryanarayana Deo belongs to Kshatriya community and the Mandal Revenue Officer, Kurupam has recommended for issue of Konda Dora (ST) certificate basing on the genealogical tree without any further enquiry and the Revenue Divisional Officer, Parvathipuram has given the Konda Dora (ST) certificate which is not in accordance with Act 16/93 and requested to recommend the Collector & District Magistrate, Vizianagaram for cancellation of the caste certificate of Sri Vyricherla Kishore Chandra Suryanarayana Deo.

The Committee raised various points on the Konda Dora (ST) claim of Sri Vyricherla Kishore Chandra Suryanarayana Deo i.e, regarding fairs & festivals regarding functions like birth and marriages the rituals performed at the time of death, customs and traditions followed by the Tribes.

After persual of documentay evidence, records and written statements and enquiry, the District Level Scrutiny committee has submitted its findings on 23-3-2010 for taking action U/s 5 (1) of the AP (SC, ST, BC) issue of Community, Nativity and Date of Birth certificates Act 16/93 and under rule 9(7) of the Rules 1997.

Out of 5 members of the Committee 3 members i.e., the District Revenue Officer, Vizianagaram, Deputy Director (Social Welfare), Vizianagaram and District B.C. Welfare Officer, Vizianagaram has opined that Sri Vyricherla Kishore Chandra Suryanarayana Deo belongs to Konda Dora (ST) as the founder of Kurupam Chieftdom Sri Sanyasi Dora belongs to Konda Dora who was honoured with the title Vyricherla by the Raja of Jeypore in the year 1672-76 which is still borne by its owners.

The above committee have opined that the reports of the Mandal Revenue Officer, Kurupam and Revenue Divisional Officer, Parvathipuram are the basis whether the particular person belong to the particular caste in the present case, the Revenue Divisional Officer, Parvathipuram after enquiry confirmed that Sri Vyricherla Kishore Chandra Suryanarayana Deo belongs to Konda Dora (ST), who was elected as peoples representation for the last two decades and finally opined that Sri Vyricherla Kishore Chandra Suryanarayana Deo, S/o Durga Prasad Verabhadra Deo belongs to Konda Dora community which comes under ST.

The opinion of the Chairman District Level Scrutiny Committee and the Joint Collector, Vizianagaram and Deputy Director, (Tribal Welfare), Parvathipuram, member of the District Level Scrutiny Committee and the reports submitted by Sri Vyricherla Kishore Chandra Suryanarayana Deo narrated below.

Sl. No.	Opinion of the Chairman, District Level Scrutiny Committee & Joint Collector, Vizianagaram	Written statement of Sri Vyricherla Kishore Chandra Suryanarayana Deo
1	The term ST is introduced after recognizing the unfortunate living conditions of hill dwellers and the criteria for identification of a community as ST are (a) indication of primitive traits, (b) Distinctive culture, (c) Geographical isolation (d) Shyness and contact with the community at large and (e) Backwardness. In the present case none of the above criteria is followed by Sri Vyricherla Kishore Chandra Suryanarayana Deo, to consider his claim as Konda Dora (ST).	Sri Vyricherla Kishore Chandra Suryanarayana Deo referred the orders of the Hon'ble Supreme Court of India while upholding the Tribal status of a person observed as follows in the decision reported in AIR 1959 SC 1318 "..... it is well known that a person who belongs to by birth to a depressed caste or tribe would find it very difficult, if not possible to attain the status of higher caste among the Hindus by virtue of Of free volition, education, culture and status. The history of social reforms for the last century and more has shown how difficult it is to break or even to relax the rigour of the inflexible and exclusive character of the caste system. It is to be hoped that this position will change, and in-course of time the cherished ideal of caste less society truly based on social equality will be attained under the powerful impact of the doctrine of social justice and equality proclaimed by the constitution and sought to be implemented by the relevant statutes and as a result of the spread of secular education and the growth of a rational outlook and of proper sense of social values, but at present it would be unrealistic and utopian to ignore the difficulties which a member of the depressed tribe or caste has to face in climbing a higher status amongst his co-religionist..... while dealing the said case Hon'ble Apex Court also took note of the relevant in Gazette which date back to 1892 and other official records.
2	Section 6 of the Act 16/93 deals that the burden of proof lies on the claimant and in this case Sri Vyricherla Kishore Chandra Suryanarayana Deo has failed to	In reply to the above, Vyricherla Kishore Chandra Suryanarayana Deo stated that he was issued Konda Dora (ST) community certificate by the Revenue Divisional Officer,

Sl. No.	Opinion of the Chairman, District Level Scrutiny Committee & Joint Collector, Vizianagaram	Written statement of Sri Vyricherla Kishore Chandra Suryanarayana Deo
	<p>prove that he is a born member of Konda Dora Tribe. Points to be considered for recognition of a person as belonging to a community are that the person and his parents actually belong to the community claimed and (b) that the community is included in the presidential order and on both the points the claim of Sri Vyricherla Kishore Chandra Suryanarayana Deo as belonging to ST Konda Dora because in his School records his caste was noted as Kshatriya and reply to a question he stated that from the last 3 generation marriages of their class people have been performed with persons belonging to other communities i.e., Rajaputs, Perika, Peregini, Kshatriya etc., on the Registration Documents of his father and forefathers also the caste was mentioned as Kshatriya.</p>	<p>Parvathipuram after through enquiry by the Mandal Revenue Officer, Kurupam in accordance with Act 16/93 after taking into consideration, the establishment of Kurupam Chiefdom by Sri Sanyasi Dora and the genealogical tree of his clan that he belongs to Konda Dora community is totally based and related to his birth, ancestors and his patriarchal lineage and further stated that the circumstantial evidence which has been referred by the Chairman of the District Level Scrutiny Committee cannot override gazettes and authenticated publication that have been cited. With regard to School Certificates he stated that a mere declaration made by a parent or guardian at the time of admission does not imply that the child normally belong to the said community. Regarding registered documents, he stated that usually the draftsman writes the document basing on the instructions given to him and the description of the seller or purchaser does not constitute the essence of a document and the purport of the documents is only to convey the property after receiving cash consideration.</p>
3	<p>The surname "Vyricherla" is not there for any other member of Konda Dora Tribe in Kurupam or other areas of Vizianagaram.</p>	<p>Sri Vyricherla Kishore Chandra Suryanarayana Deo in his written statement noted that "Vyricherla" is a title awarded to Sri Sanyasi Dora, the founder of the Kurupam Chiefdom which is still borne by its owners and it is not the surname as alleged by the Chairman of District Level Scrutiny Committee.</p>
4	<p>In Hon'ble Supreme Court of India in Anjan Kumar Vs. Govt. of India (2206) held that a person belonging to a tribe is a matter of birth but not of choice or a matter of law.</p> <p>One must suffer disabilities where from one belongs to sustain the claim that he suffered of disabilities socially, economically educationally and the SC/ST Certificate is not a bounty to be distributed and</p>	<p>Sri Vyricherla Kishore Chandra Suryanarayana Deo, in his written statement on 22-5-2009 before the District Level Scrutiny Committee stated that a tribe is an indigenous entity and is not a part of any religious hierarchy a person belonging to any tribe is free to practice any other religion or incorporate other religion and customs as per his choice. When a person belonging to a tribal community practices or adopts some</p>

Sl. No.	Opinion of the Chairman, District Level Scrutiny Committee & Joint Collector, Vizianagaram	Written statement of Sri Vyricherla Kishore Chandra Suryanarayana Deo
	<p>on all these counts the Konda Dora (ST) claim of Sri Vyricherla Kishore Chandra Suryanarayana Deo fails because he never suffered any of the disabilities. He belongs to Jamindari family of Kurupam and did not suffer any of the disabilities be at social or economic and having received best possible education in reputed institutions in Madras State.</p>	<p>Hindu religions practices the "Caste Table" is bound to be attached on a basis of his or her profession based on the four broad "Vara System" He further stated that a tribal enjoying the status of a Chieftain who has been practicing Hinduism was likely to be described as "Kshatriya" and a person belonging to the same tribe was performing pujas is referred to as Pujari. He stated that the following persons are practiced different religions and hailed from different parts of the country have been Member of the Lok Sabha reserved for ST Communities.</p> <p>(1) Sri Kirit Bikram Deb Baraman the Maharaj of Tripura represented the Lok Sabha constituency reserved for STs for more than 3 times (incidentally he was although president of the all India Kshatriya Maha Sabha)</p> <p>(2) Smt. Pushpa Singh princess of Sarangarh represented the Raighad reserve constituency from Madhya Pradesh for 2 times in Lok Sabha.</p> <p>(3) Sri PM Sayed who embassed islam represented the reserved Lakshedweep constituency for 10 times.</p> <p>(4) Sri P.A. Sangma who has been practicing Christianity as a religion has represented the constituency reserved for STs from Meghalaya in the Lok Sabha.</p> <p>Sri Vyricherla Kishore Chandra Suryanarayana Deo stated that it is the birth to decide that one belongs to ST/SC and his forefathers belong to Konda Dora he also hailed the same from his ancestors.</p>
5	<p>The Chairman of District Level Scrutiny Committee &amp; Joint Collector, Vizianagaram stated that Sri Vyricherla Kishore Chandra Suryanarayana Deo in his statement before District Level Scrutiny</p>	<p>Sri Vyricherla Kishore Chandra Suryanarayana Deo stated that the claim of Sri S. Vijaya Rama Raju could not be maintained for two reasons i.e., one that he has not produced the caste certificate in terms of</p>

Sl. No.	Opinion of the Chairman, District Level Scrutiny Committee & Joint Collector, Vizianagaram	Written statement of Sri Vyricherla Kishore Chandra Suryanarayana Deo
	<p>tiny Committee stated that in the W P filed by Guntreddy Lakshmana Naidu Vs S. Vijaya Rama Raju Justice Jeevan Reddy has opined that both Jamindari families of Kurupam and Chinamerangi belongs to Konda Dora Tribe.</p> <p>In a subsequent judgement justice Yethirajulu in EP No. 13/99 the claim of S. Vijaya Rama Raju as "Konda Dora" could not be maintained and the same was upheld by Hon'ble Supreme Court of India.</p> <p>Further during enquiry Sri Vyricherla Kishore Chandra Suryanarayana Deo stated that he received his preliminary Education at home at Kurupam is not correct as per the information furnished by the Madras Christian College Higher Secondary School vide letter dated 11-4-2009 showed that Sri Vyricherla Kishore Chandra Suryanarayana Deo is a resident of Madras, date of Admission 27-6-1957 class on admission 2c No. and date of TC produced 86/27-6-57 School to which pupil has gone Telugu Andhra Clearly shows that an attempt is made by the individual to mislead the District Level Scrutiny Committee by claiming that he received primary education at his home in fort Kurupam through Private tutors who visited his house from time to time.</p>	<p>Act 16/93 and also he has not shown the genealogical tree that he belongs to establish that he is a descendant of the original founder of the Chinamerangi Zamindari family.</p> <p>With regard to his Primary Education Sri Vyricherla Kishore Chandra Suryanarayana Deo stated that he has not misled the District Level Scrutiny Committee regarding his Primary Education. He stated that he had his initial Education in the fort at Kurupam for a few months after his father expired on 29-7-1952 and after that he was admitted to Class VI or Form I and he joined class VII or standards VII which was called as II form in the year 1957 at the age of 10 years and the Joint Collector in his report has mentioned about his admission into class 2C in the primary stage of Education is false and incorrect. He further stated that he studied higher education in Madras Christian College Higher Secondary School but it is not class 2 but form II which is 7th Class.</p>
Sl. No.	Finding of the Deputy Director (Tribal Welfare), Parvathipuram and member of the District Level Scrutiny Committee, Vizianagaram	Reply of Sri Vyricherla Kishore Chandra Suryanarayana Deo on the findings
1.	The Deputy Director (Tribal Welfare), Parvathipuram stated that the Registered documents clearly shows that the great grand father, father belongs to Kshatriya community but not Konda Dora.	Sri Vyricherla Kishore Chandra Suryanarayana Deo in his written statement stated that the sale documents at best he cited as circumstantial evidence to be considered only in the absence of clinching documentary evidence.



Sl. No.	Finding of the Deputy Director (Tribal Welfare), Parvathipuram and member of the District Level Scrutiny Committee, Vizianagaram	Reply of Sri Vyricherla Kishore Chandra Suryanarayana Deo on the findings
2	The Deputy Director, (Tribal Welfare), Parvathipuram opined that Sri Vyricherla Kishore Chandra Suryanarayana Deo did not follow the customs related to Konda Dora community, since 3 generations their family members married other than Konda Dora caste people and recent example of it is that Sri Vyricherla Kishore Chandra Suryanarayana Deo performed the marriage of his son Shisher Deo with Sukanya Singh, Daughter of JP Singh other than the ST Person belong to out of state of AP and the performance of the marriage was done in accordance of Oriya Kshatriya community but not Konda Dora Community.	Sri Vyricherla Kishore Chandra Suryanarayana Deo stated that the marriage of his son Vyricherla Shishir Deo with Sukanya Singh was performed according to Oriya Kshatriya community is not relevant to the case in question. He stated that his son was married to Sukanya Singh belongs to Sikh community and the marriage was performed in a Gurudwara in Delhi, as per the request of her Girl's parents. Copy of marriage certificate issued by the Gurudwara authorities enclosed. He further stated that when a tribal joins or follows any other religion he accepts the marriage customs, rituals and other ceremonies pertaining to that religion and stated that his family has been following Hinduism for several generations and although the marriage of his son performed in a Gurudwara this does not deprive him or his son of their tribal status and the Deputy Director (Tribal Welfare) without any enquiry submitted report that the marriage of his son was performed as per the Oriya Kshatriya customs.

Accordingly under Section 5(1) of the Act 16/93 notice was issued to Sri Vyricherla Kishore Chandra Suryanarayana Deo duly sending the copies of the findings of the Members of the District Level Scrutiny Committee giving opportunity of making a representation if any in support of his caste claim as Konda Dora. Sri Vyricherla Kishore Chandra Suryanarayana Deo attended and submitted written statement on 23-3-2010 denying the findings given by the Joint Collector & Chairman of District Level Scrutiny Committee and Deputy Director (Tribal Welfare), Parvathipuram.

On perusal of the report of the District Level Scrutiny Committee, it is clear that the report is not unanimous. Out of the 5 members of the Committee including Chairman, the 3 members viz., Sri Ch. Prabhakara Rao, District Revenue Officer & Convenor of the District Level Scrutiny Committee, Sri D. V. Ramana Murthy, Deputy Director, Social Welfare and Sri P. Kumaravama, District B. C. Welfare Officer, reported that the caste Certificate was issued by the Revenue Divisional Officer, Parvathipuram after through enquiry and Sri Vyricherla Kishore Chandra Suryanarayana Deo belongs to ST Konda Dora community which comes under Scheduled Tribe.

The Chairman of the District Level Scrutiny Committee and the Deputy Director, Tribal Welfare, Parvathipuram reported that Sri Vyricherla Kishore Chandra Suryanarayana Deo does not belong to Konda Dora tribe and certificate issued to him may be cancelled.

As the Committee was not unanimous in its recommendation, I have gone through the report of the 3 Members of the Committee who supported the caste certificate issued by the Revenue Divisional Officer, Parvathipuram to Sri Vyricherla Kishore Chandra Suryanarayana Deo and also the recommendations of the Chairman of the District Level Scrutiny Committee who opined that the Caste certificate issued to the defendant (Sri Vyricherla Kishore Chandra Suryanarayana Deo) is not correct and to be cancelled. The report of the 3 members relied upon the documentary evidence given by the defendant Sri Vyricherla Kishore Chandra Suryanarayana Deo and came to the conclusion that Sri Vyricherla Kishore Chandra Suryanarayana Deo was born in the tribal family of Sri Sanyasi Dora, the founder of Kurupam Estate and accepted the genealogical tree starting from the founder of the Kurupam Estate, Sri Sanyasi Dora. They have rejected the representation of the petitioner, Sri Regu Maheswara Rao, who specifically relied on registration documents of lands wherein it was noted that Sri Vyricherla Kishore Chandra Suryanarayana Deo family was Kshatriya Caste. They have recommended that these documents need not be taken into consideration for determining the social status of individual since the defendant clearly argued that any tribal can follow any religion and that he and his forefathers followed Hindu religion and as per the Hindu religion, Hindus were divided into "Chaturvarna" (that means four sub castes). Hence, he and his family also being Hindu, were called Kshatriya as per the Hindu religion custom.

The Chairman and other Member, Deputy Director, Social Welfare rejecting the claim of the defendant as a Scheduled Tribe community adopted the Government criteria followed for identification of community as ST which are (1) Identification of Primitive traits (2) Distinctive culture (3) Geographical isolation (4) Shyness of contact with the community at large (5) Backwardness. They have also relied upon the registered documents executed by the fathers of the defendant and also school records of the defendant wherein they were mentioned as Kshatriya. Further these 2 members also examined the customs and traditions of the ST family and any disability suffered by the defendant's family. They have also rejected the claim of the defendant that he was born in the Konda Dora tribe on the ground that there is no proof that the founder of the Kurupam family, Sri Sanyasi Dora was Konda Dora tribe.

After through examination of diverse recommendations of the members of the committee, I came to the conclusion that the defendant Sri Vyricherla Kishore Chandra Suryanarayana Deo upon whom the burden of proof lies to establish that he belongs to Konda Dora tribe community, has established successfully that he belongs to Konda Dora community by birth and they practice Hindu religion by producing the recorded evidence of A. P. Gazeteers (1) the Manual of District Vizianagaram in the Presidency of Madras (2) The Manual of the District of Vizianagaram in the Presidency of Madras compiled and edited by D. F. Chamaecheal MCS Collector, Magistrate and Agent to the Governor of Fort St. George of Ganjam (3) Castes and tribes of Southern India written by Edgar Thurston and K. Rangachari in Volumes III & IV (4) A. P. District Gazeteer, Vizagapatnam District Gazeteer Volume I (5) Madras District Gazeteers Vizagapatnam written by W. Francis, Indian Civil Service. He also quoted extensively about the religion followed by tribals and no disability effected to them of their S.T. status by changing the religion of the S.T. community person when once he or she is born in the tribal community.

This is born out by the judgement of the Hon'ble Supreme Court in Anjan Kumar Vs. Union of India (2206) 3. SC cases 257 in which it is held that belonging to a tribe is a matter of birth, not of choice, or a matter of law. So this principle is applicable in the case and hence, I am of the opinion that Sri Vyricherla Kishore Chandra Suryanarayana Deo belongs to ST community of Konda Dora caste by birth.

The transformation among the educated tribal persons who are elevated in social status by their education, social standing they seldom care to follow the tribal customs and a person elevated to the national status cannot be expected to explain whether he is following the social customs. Besides this after 6 decades of Independent India the inter caste marriages, love marriages are common and the Social Welfare Department has also taken into cognizance of the inter caste marriage between persons hailing from SC and ST communities with other communities and there are orders providing some concessions to the children born out of inter caste marriages.

Due to the reservation enshrined in the Constitution the persons hailing from SC and ST Community have acquired educational qualifications and elevated the higher state of Society and the cosmopolitan atmosphere enjoyed by the persons who are elevated from ST and SC status have intercaste marriages and the Government have also recognized this phenomenon and have also extended some concessions to the persons of ST/SC persons and these marriages and development are not an index to prove the caste of the individual.

The Citations of Manual of Vizagapatnam compiled by D. F. Chamaedhael in 1869 and the District Gazetteer compiled by W . Francis in 1902 which delved deep into the various aspects of the composite District of Vizagapatnam and comprising of Visakhapatnam, Vizianagaram and Srikakulam Districts stand as testimony to the various aspects including the castes, tribes and their customs and till today this is only recorded history of the region. In the citations of Chamaedhael and Francis Gazetteers / Manual are attesting the fact that the persons hailing in the region are tribals and being the chieftains of the region they are respected as rulers / Kings and Konda Doras are termed as rajus (Rulers) which means they are the chiefs of the clan.

The genealogical tree clearly show that the family of Sri Vyricherla Kishore Chandra Suryanarayana Deo are hailing from tribal community. The report of the Mandal Revenue Officer, Kurupam and the Revenue Divisional Officer, Parvathipuram clearly attest the fact as per the rules governing the subject and the permanent caste certificate is issued after following the norms by the Revenue Divisional Officer.

The family of the individual is hailing from Kurupam which is in a tribal area since centuries and they are not settlers like other and this basical fact is ignored or not considered by the two members of the committee.

Simply a tribal person having educational qualification or commanding a social standing cannot be considered as a person not belonging to the tribal community.

The basic tenet of constitution is to uplift these communities and bring them to the social stream and this benefited by imparting educational concessions, rule of reservation in jobs and reservation in elected bodies and all these over the decades helped in uplifting the communities and this upliftment naturally elevated the persons from these communities both socially and financially.

The complaint which is primarily based on school records and documents registered on sale of lands etc, and the marriages of the family members are not relevant for arriving at a decision.

The complaint which is based on extraneous issues cannot be taken into consideration.

In view of the above it is considered that Sri Vyricherla Kishore Chandra Suryanarayana Deo belongs to Konda Dora (ST) community and he is entitled for S.T. Caste Certificate.

G. RAMANARAYANA REDDY,  
Collector and District Magistrate,  
Vizianagaram.

#### NOTIFICATION

In exercise of the powers conferred under Sub-rule 7 of Rule 9 of A. P. (SCs, STs and BCs) issue of Community, Nativity and Date of Birth Certificates Rules, 1997, Communicated vide G. O.Ms. No. 58 SW (J) Department dated 12-5-1997 read with Section 5(1) of A. P. (SC/ST/BC) Regulation of issue of Community Certificates Act, 16/93, Sri Vyricherla Kishore Chandra Suryanarayana Deo of Kurupam Mandal of Vizianagaram District is hereby declared as belongs to Konda Dora (ST) .

G. RAMANARAYANA REDDY,  
Collector and District Magistrate,  
Vizianagaram.  
[ (M)R. Dis. No. 799/2008